

112TH CONGRESS
2D SESSION

S. 2279

To amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2012

Mr. KERRY (for himself and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “R.M.S. Titanic Mari-
5 time Memorial Preservation Act of 2012”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 Section 2 of the R.M.S. Titanic Maritime Memorial
8 Act of 1986 (16 U.S.C. 450rr) is amended—

9 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “should
2 be designated” and inserting “is recognized”;

3 (B) in paragraph (2), by striking “recent”;

4 (C) in paragraph (3), by striking “and” at
5 the end;

6 (D) in paragraph (4), by striking the pe-
7 riod at the end and inserting a semicolon; and

8 (E) by adding after paragraph (4) the fol-
9 lowing:

10 “(5) the Secretary of Commerce, through the
11 National Oceanic and Atmospheric Administration’s
12 National Marine Sanctuary Program, and in con-
13 sultation with the Secretary of State, other inter-
14 ested Federal agencies, academic and research insti-
15 tutions, the public, the United Kingdom, France,
16 and Canada, issued Final Guidelines for Research,
17 Exploration, and Salvage of R.M.S. Titanic on April
18 12, 2001 (66 Fed. Reg. 18905), as directed under
19 section 5; and

20 “(6) the Secretary of State, in consultation with
21 the Secretary of Commerce, negotiated the Inter-
22 national Agreement with the United Kingdom,
23 France, and Canada pursuant to section 6, which
24 was signed on June 18, 2004, subject to acceptance
25 by the United States.”; and

1 (2) by amending subsection (b) to read as fol-
2 lows:

3 “(b) PURPOSE.—The purposes of this Act are—

4 “(1) to ensure the protection of R.M.S. Titanic
5 and its wreck site as—

6 “(A) an international maritime memorial
7 and grave site to those aboard the ship who
8 perished in 1912; and

9 “(B) a site of unique scientific, archeo-
10 logical, cultural, and historical significance for
11 present and future generations;

12 “(2) to ensure that the planning and conduct of
13 any activities directed at R.M.S. Titanic and its
14 wreck site are consistent with applicable law, includ-
15 ing the International Agreement; and

16 “(3) to call upon the Secretary of State to en-
17 courage other interested nations, especially nations
18 with the technological capability to access R.M.S. Ti-
19 tanic and its wreck site, to consent to be bound by
20 the International Agreement.”.

21 **SEC. 3. DEFINITIONS.**

22 Section 3 of the R.M.S. Titanic Maritime Memorial
23 Act of 1986 (16 U.S.C. 450rr–1) is amended to read as
24 follows:

1 **“SEC. 3. DEFINITIONS.**

2 “In this Act—

3 “(1) the term ‘collection’ means each grouping
4 of R.M.S. Titanic property, other than human re-
5 mains, that results from recovery activities after
6 September 1, 1985, at the wreck site of R.M.S. Ti-
7 tanic authorized by—

8 “(A) an order of a United States court of
9 competent jurisdiction;

10 “(B) a permit granted by the Secretary of
11 Commerce under section 7; or

12 “(C) an order of a court or tribunal (in-
13 cluding any administrative body, Office of Mari-
14 time Affairs, or Receiver of Wreck) of com-
15 petent jurisdiction of the United Kingdom,
16 France, or Canada, or of a state party to the
17 International Agreement;

18 “(2) the term ‘import’ means to bring into, or
19 introduce into, or attempt to bring into or introduce
20 into, the United States, including its territories and
21 insular possessions, and the territorial sea of the
22 United States (as defined in Presidential Proclama-
23 tion 5928, issued December 27, 1988);

24 “(3) the term ‘International Agreement’ means
25 the Agreement concerning the Shipwrecked Vessel
26 R.M.S. Titanic;

1 “(4) the term ‘Person’ means any individual
2 (whether or not a citizen or national of the United
3 States), any corporation, partnership, association, or
4 other entity (whether or not organized or existing
5 under the laws of any State), and any Federal,
6 State, local, or foreign government or any entity of
7 any such government;

8 “(5) the term ‘R.M.S. Titanic property’ in-
9 cludes—

10 “(A) the shipwrecked vessel R.M.S. Ti-
11 tanic;

12 “(B) the cargo of R.M.S. Titanic, any
13 other contents from the ship, or any associated
14 items scattered on the ocean floor in the vicin-
15 ity of the ship, or any portion of the ship;

16 “(C) all such property recovered from the
17 wreck site since September 1, 1985; and

18 “(D) any human remains of those aboard
19 R.M.S. Titanic who perished;

20 “(6) the term ‘Rules’ means the ‘Rules Con-
21 cerning Activities Aimed at the R.M.S. Titanic and/
22 or its Artifacts’ contained in the Annex to the Inter-
23 national Agreement; and

24 “(7) the term ‘United States waters’ means all
25 waters of the United States on the landward side of

1 the baseline from which the breadth of the United
 2 States territorial sea is measured, and the waters of
 3 the United States territorial sea as described in
 4 Presidential Proclamation 5928, dated December 27,
 5 1988.”.

6 **SEC. 4. IMPLEMENTATION OF THE INTERNATIONAL AGREE-**
 7 **MENT.**

8 The R.M.S. Titanic Maritime Memorial Act of 1986
 9 (16 U.S.C. 450rr et seq.) is amended—

10 (1) by striking sections 5, 6, and 7;

11 (2) by redesignating section 8 as section 21;

12 and

13 (3) by inserting after section 4 the following:

14 **“SEC. 5. SCOPE AND APPLICABILITY.**

15 “(a) IN GENERAL.—This Act shall apply to—

16 “(1) any person subject to the jurisdiction of
 17 the United States at the time that such person en-
 18 gages in an activity prohibited under section 6;

19 “(2) any vessel of the United States, includ-
 20 ing—

21 “(A) a vessel documented under chapter
 22 121 of title 46, United States Code, or vessels
 23 numbered as provided under chapter 123 of
 24 such title;

1 “(B) a vessel (other than a vessel that has
2 been granted the nationality of a foreign nation
3 in accordance with article 5 of the Convention
4 on the High Seas, done at Geneva on April 29,
5 1958, or article 91 of the 1982 Convention on
6 the Law of the Sea, signed at Montego Bay,
7 Jamaica on December 10, 1982, and for which
8 a claim of nationality or registry is made by the
9 master or individual in charge at the time of an
10 enforcement action by an officer or employee of
11 the United States authorized to enforce applica-
12 ble provisions of United States law) owned in
13 whole or part by—

14 “(i) the United States or a territory,
15 commonwealth, or possession of the United
16 States and used on commercial service;

17 “(ii) a State or a political subdivision
18 of a State and used on commercial service;

19 “(iii) a citizen or national of the
20 United States; or

21 “(iv) a corporation created under the
22 laws of the United States, any State, the
23 District of Columbia, or any territory,
24 commonwealth, or possession of the United
25 States; and

1 “(C) a vessel that was once documented
2 under the laws of the United States and, in vio-
3 lation of the laws of the United States, was—

4 “(i) sold to a person that is not a cit-
5 izen of the United States; or

6 “(ii) placed under foreign registry or
7 a foreign flag, whether or not the vessel
8 has been granted the nationality of a for-
9 eign nation;

10 “(3) any vessel subject to the jurisdiction of the
11 United States including—

12 “(A) a vessel without nationality;

13 “(B) a vessel assimilated to a vessel with-
14 out nationality, in accordance with paragraph
15 (2) of article 6 of the Convention on the High
16 Seas, done at Geneva on April 29, 1958, or ar-
17 ticle 91 of the Convention on the Law of the
18 Sea, signed at Montego Bay, Jamaica on De-
19 cember 10, 1982;

20 “(C) a vessel registered in a foreign nation
21 if—

22 “(i) the flag nation has consented to,
23 or waived objection to, the enforcement of
24 United States law by the United States;
25 and

1 “(ii) such consent or waiver—

2 “(I) was obtained by radio, tele-
3 phone, or similar oral or electronic
4 means; and

5 “(II) is conclusively proved by
6 certification of the Secretary of State
7 or the Secretary’s designee;

8 “(D) a vessel located within the customs
9 waters of the United States; and

10 “(E) a vessel located in the contiguous
11 zone of the United States (as defined in Presi-
12 dential Proclamation 7219, issued on Sep-
13 tember 2, 1999) that—

14 “(i) is entering United States waters;

15 “(ii) has departed United States
16 waters; or

17 “(iii) is a hovering vessel (as defined
18 in section 401 of the Tariff Act of 1930
19 (19 U.S.C. 1401)); and

20 “(4) any property made forfeitable under sec-
21 tion 11.

22 “(b) VESSEL WITHOUT NATIONALITY.—

23 “(1) IN GENERAL.—In this Act, a vessel with-
24 out nationality includes—

1 “(A) a vessel aboard which the master or
2 person in charge makes a claim of registry,
3 which claim is denied by the flag nation whose
4 registry is claimed;

5 “(B) a vessel aboard which the master or
6 person in charge fails, upon request of an offi-
7 cer of the United States empowered to enforce
8 applicable provisions of United States law, to
9 make a claim of nationality or registry for that
10 vessel; and

11 “(C) a vessel aboard which the master or
12 person in charge makes a claim of registry and
13 the claimed nation of registry does not affirma-
14 tively and unequivocally assert that the vessel is
15 of its nationality.

16 “(2) VERIFICATION OR DENIAL.—A claim of
17 registry under subparagraph (A) or (C) of para-
18 graph (1) may be verified or denied by radio, tele-
19 phone, or similar oral or electronic means. The re-
20 sponse by the claimed flag nation is conclusively
21 proved by certification of the Secretary of State or
22 the Secretary’s designee.

23 “(c) CLAIM OF NATIONALITY OR REGISTRY.—In this
24 Act, a claim of nationality or registry is limited to—

1 “(1) possession on board the vessel and produc-
2 tion of documents evidencing the vessel’s nationality
3 in accordance with article 5 of the Convention on the
4 High Seas, done at Geneva on April 29, 1958, or ar-
5 ticle 91 of the Convention on the Law of the Sea,
6 signed at Montego Bay, Jamaica on December 10,
7 1982;

8 “(2) flying the flag nation’s ensign or flag; or

9 “(3) a verbal claim of nationality or registry by
10 the master or person in charge of the vessel.

11 “(d) APPLICABILITY.—This Act shall not apply to—

12 “(1) warships;

13 “(2) naval auxiliaries;

14 “(3) other vessels—

15 “(A) owned or operated by the United
16 States; and

17 “(B) used only for government non-
18 commercial service, unless the vessel engages in
19 an activity designed to disturb, remove, or in-
20 jure R.M.S. Titanic property; or

21 “(4) any person on board a vessel described in
22 paragraphs (1) through (3) who is acting in the
23 course of such person’s duties, unless such person
24 engages in an activity designed to disturb, remove,
25 or injure R.M.S. Titanic property.

1 **“SEC. 6. PROHIBITIONS.**

2 “Except as authorized under section 7, it is unlawful
3 for any person or vessel described in section 5 to—

4 “(1) engage in any activity that disturbs, re-
5 moves, or injures, or attempts to disturb, remove, or
6 injure, R.M.S. Titanic property;

7 “(2) engage in any activity directed at R.M.S.
8 Titanic property located at the wreck site that poses
9 a significant threat to public safety;

10 “(3) engage in any activity that violates any
11 provision of this Act, or any regulation or permit
12 issued under this Act, or any provision of the Rules;

13 “(4) sell, purchase, barter, import, export, or
14 offer to sell, purchase, barter, import, export, in
15 interstate or foreign commerce, R.M.S. Titanic prop-
16 erty not constituting a collection; or

17 “(5) enter, or cause entry by means of any
18 equipment, instrumentality, or other property, into
19 the hull sections of R.M.S. Titanic.

20 **“SEC. 7. PERMITS.**

21 “(a) IN GENERAL.—The Secretary of Commerce may
22 issue a permit for an activity otherwise prohibited under
23 section 6 if the Secretary determines that such activity—

24 “(1) is consistent with the International Agree-
25 ment and Rules; and

1 “(2)(A) furthers educational, scientific, or cul-
2 tural purposes in the public interest; or

3 “(B) is necessary to protect R.M.S. Titanic
4 property from a significant threat.

5 “(b) APPLICABILITY.—This section shall apply to any
6 activities directed at R.M.S. Titanic property, including
7 those authorized before the effective date of this Act by
8 a court of competent jurisdiction.

9 “(c) NOTICE.—Any vessel described in paragraph (2)
10 or (3) of section 5(a) that intends to stop within the zone
11 located within the coordinates of $41^{\circ}46'00.036588''$ N,
12 $049^{\circ}53'09.391344''$ W (Northeast corner);
13 $41^{\circ}46'00.036588''$ N, $049^{\circ}59'51.08136''$ W (Northwest
14 corner); $41^{\circ}41'00.24864''$ N, $049^{\circ}53'09.391344''$ W
15 (Southeast corner); $41^{\circ}41'00.24864''$ N,
16 $049^{\circ}59'51.08136''$ W (Southwest corner) shall, through
17 its owner or agent, provide prior written notice of the tim-
18 ing and purpose of such intended entry to the Secretary
19 of Commerce in a manner sufficient to allow the Secretary
20 to determine whether a permit is required and whether
21 a permit should be granted.

22 “(d) TERMS AND CONDITIONS.—Any permit issued
23 by the Secretary of Commerce under this section shall con-
24 tain terms and conditions that fully comply with the Rules.

1 “(e) FEES.—The Secretary of Commerce may charge
2 and retain reasonable fees to offset expenses associated
3 with the processing of permit applications and the admin-
4 istration of permits issued under this section. Fees col-
5 lected under this subsection shall be available to cover
6 such costs without further appropriation and shall remain
7 available until expended.

8 “(f) DEADLINES.—

9 “(1) IN GENERAL.—Except as provided under
10 paragraph (2), the Secretary of Commerce shall act
11 on an application for a permit under this section not
12 later than 180 days after the date on which the Sec-
13 retary has determined that the application contains
14 sufficient information for the Secretary to make a
15 decision on the application.

16 “(2) ADDITIONAL TIME.—If the Secretary is
17 unable to comply with the deadline under paragraph
18 (1), the Secretary shall provide the applicant with
19 written notification that up to an additional 30 days
20 will be needed to complete the review. Under no cir-
21 cumstances may a complete application remain
22 pending for more than 210 days.

23 “(3) RULEMAKING.—The Secretary shall pro-
24 mulgate regulations to—

1 “(A) identify the scientific, technical,
2 logistical, or other documentation or justifica-
3 tion required for the Secretary to make a deci-
4 sion on the application for permit; and

5 “(B) ensure the confidentiality of propri-
6 etary information and data submitted under
7 this section.

8 **“SEC. 8. LIABILITY.**

9 “(a) LIABILITY TO THE UNITED STATES.—Any per-
10 son who engages in an activity prohibited under section
11 6 is liable for response costs, direct and indirect enforce-
12 ment costs, and any damages resulting from such activity,
13 including—

14 “(1) the reasonable costs incurred in storage,
15 restoration, care, maintenance, conservation, and
16 curation of R.M.S. Titanic property; and

17 “(2) the cost of retrieving any remaining infor-
18 mation of a scientific, archeological, cultural, or his-
19 torical interest from the site at which R.M.S. Titanic
20 property was disturbed, removed, or injured.

21 “(b) LIABILITY IN REM.—Any vessel (including the
22 vessel’s gear, appurtenances, stores, and cargo), vehicle,
23 aircraft, or other means of transportation, and any money
24 or property used, or intended to be used, to facilitate any
25 violation of this Act or any regulation or permit issued

1 under this Act, shall be liable in rem to the United States
2 for any fine, penalty, or damages assessed or imposed
3 under this Act. The amount of such in rem liability shall
4 constitute a lien and may be recovered in an action in rem
5 in an appropriate district court of the United States.

6 **“SEC. 9. CIVIL ENFORCEMENT.**

7 “(a) PERMIT SANCTION AND CIVIL ADMINISTRATIVE
8 PENALTY.—

9 “(1) IN GENERAL.—Any person who violates
10 any provision of this Act, or any regulation or per-
11 mit issued under this Act—

12 “(A) may be subject to a permit sanction;
13 and

14 “(B) may be assessed a civil administrative
15 penalty by the Secretary of Commerce after no-
16 tice and an opportunity for a hearing.

17 “(2) AMOUNT OF PENALTY.—A penalty as-
18 sessed under paragraph (1)(B) may not exceed
19 \$250,000 per day for each such violation. Each day
20 of a continuing violation shall constitute a separate
21 violation.

22 “(3) ENFORCEMENT OF PENALTY.—Upon fail-
23 ure of the offending party to pay a penalty under
24 this subsection, the Attorney General, upon the re-
25 quest of the Secretary of Commerce, may commence

1 an action in the appropriate district court of the
2 United States to recover such penalty. In such ac-
3 tion, the validity and appropriateness of the final
4 order imposing the civil administrative penalty shall
5 not be subject to review.

6 “(b) CIVIL JUDICIAL PENALTY.—

7 “(1) IN GENERAL.—Any person who violates
8 any provision of this Act, or any regulation or per-
9 mit issued under this Act, shall be subject to a civil
10 penalty not to exceed \$500,000 per day for each
11 such violation. Each day of a continuing violation
12 shall constitute a separate violation.

13 “(2) ENFORCEMENT OF PENALTY.—Upon the
14 request of the Secretary of Commerce, the Attorney
15 General may commence a civil action in an appro-
16 priate district court of the United States. Such court
17 shall have jurisdiction to award civil penalties. In de-
18 termining the amount of a civil penalty, the court
19 may consider such matters as justice may require.

20 “(c) CIVIL ACTION.—Upon the request of the Sec-
21 retary of Commerce, acting as trustee for R.M.S. Titanic
22 property, the Attorney General may institute a civil action
23 in an appropriate district court of the United States to—

1 “(1) recover response costs, direct and indirect
2 enforcement costs, and damages as set forth in sec-
3 tion 8; or

4 “(2) obtain a court order directing any person
5 in possession of R.M.S. Titanic property unlawfully
6 obtained to deliver such R.M.S. Titanic property to
7 the Secretary of Commerce.

8 “(d) IN REM ACTION.—Upon the request of the Sec-
9 retary of Commerce, acting as trustee for R.M.S. Titanic
10 property, the Attorney General may institute an in rem
11 action in an appropriate district court of the United States
12 to—

13 “(1) satisfy a lien referred to in section 8 in an
14 appropriate district court of the United States; or

15 “(2) assume custody of R.M.S. Titanic property
16 unlawfully possessed as a result of a violation of this
17 Act, or any regulation or permit issued under this
18 Act.

19 “(e) INJUNCTIVE RELIEF.—Upon the request of the
20 Secretary of Commerce, the Attorney General may seek
21 to obtain such relief in an appropriate district court of
22 the United States as may be necessary to abate an immi-
23 nent risk of—

24 “(1) the disturbance to, removal of, or injury to
25 R.M.S. Titanic property; or

1 “(2) the sale, purchase, barter, import, or ex-
2 port in interstate or foreign commerce of R.M.S. Ti-
3 tanic property.

4 **“SEC. 10. CRIMINAL ENFORCEMENT.**

5 “(a) IN GENERAL.—Any person who knowingly com-
6 mits any act prohibited under section 6 is guilty of an
7 offense under this Act.

8 “(b) PENALTY.—Any person who is convicted of an
9 offense under this section shall be fined not more than
10 \$250,000 per day of violation, imprisoned for not more
11 than 5 years, or both.

12 **“SEC. 11. SEIZURE AND FORFEITURE.**

13 “(a) AUTHORIZATION.—The provisions of this Act
14 may be enforced by the Secretary of Commerce and the
15 Secretary of Homeland Security, or their respective des-
16 ignees.

17 “(b) DETENTION AND ARREST.—Any person author-
18 ized by the Secretary of Commerce or the Secretary of
19 Homeland Security to enforce this Act may—

20 “(1) detain for inspection and inspect any pack-
21 age, crate, or other container, including its contents,
22 and all accompanying documents, upon importation
23 or exportation and otherwise as permitted by law;

24 “(2) make arrests without a warrant for any
25 violation of this Act if the authorized person has

1 reasonable grounds to believe that the person to be
 2 arrested is committing the violation in their presence
 3 or view;

4 “(3) execute and serve any arrest warrant, sei-
 5 zure warrant, or other warrant or civil or criminal
 6 process issued by any officer or court of competent
 7 jurisdiction for enforcement of this Act, or any regu-
 8 lation or permit issued under this Act; and

9 “(4) search and seize property described in
 10 paragraph (1), with or without a warrant, as author-
 11 ized by law.

12 “(c) TEMPORARY DISPOSITION OF PROPERTY.—

13 “(1) IN GENERAL.—Any R.M.S. Titanic prop-
 14 erty, or other property seized pursuant to subsection
 15 (b)(4), shall be held by any person authorized by the
 16 Secretary of Commerce or the Secretary of Home-
 17 land Security pending disposition of civil or criminal
 18 proceedings, administrative forfeiture proceedings,
 19 actions in rem for forfeiture of such R.M.S. Titanic
 20 property or other property pursuant to this section,
 21 or criminal forfeiture proceedings pursuant to this
 22 section, as authorized under section 2461(c) of title
 23 28, United States Code.

24 “(2) EXCEPTION.—Instead of holding the prop-
 25 erty described in paragraph (1), the Secretary of

1 Commerce or the Secretary of Homeland Security
2 may permit the owner or consignee of such property
3 to post a bond or other surety satisfactory to the
4 Secretary of Commerce or the Secretary of Home-
5 land Security.

6 “(d) PROPERTY SUBJECT TO FORFEITURE.—The
7 following property shall be subject to forfeiture to the
8 United States:

9 “(1) Any R.M.S. Titanic property possessed,
10 taken, retained, purchased, sold, bartered, imported,
11 or exported contrary to the provisions of this Act, or
12 any regulation or permit issued under this Act.

13 “(2) Any property, real or personal, that con-
14 stitutes, or is derived from, the proceeds of any vio-
15 lation of this Act, or any regulation or permit issued
16 under this Act.

17 “(3) Any vessel (including the vessel’s gear, ap-
18 purtenances, stores, and cargo), vehicle, aircraft, or
19 other means of transportation and any money or
20 other property used or intended to be used to facili-
21 tate any violation of this Act, or any regulation or
22 permit issued under this Act.

23 “(4) Any property traceable to the property de-
24 scribed in paragraph (1), (2), or (3).

1 “(e) REBUTTABLE PRESUMPTION.—In this section,
2 there is a rebuttable presumption that all R.M.S. Titanic
3 property found on board a vessel that is used or seized
4 in connection with a violation of this Act, or any regulation
5 or permit issued under this Act, was taken or retained
6 in violation of this Act, or a regulation or permit issued
7 under this Act.

8 “(f) FINAL DISPOSITION OF PROPERTY.—Upon for-
9 feiture of any R.M.S. Titanic property or other property
10 to the United States pursuant to this section, or the aban-
11 donment or waiver of any claim to any such property, the
12 property shall be disposed of by the Secretary of Com-
13 merce in such a manner, consistent with the purposes of
14 this Act, as the Secretary shall prescribe by regulation,
15 including the possibility of assimilating R.M.S. Titanic
16 property with an existing collection. Any R.M.S. Titanic
17 property ordered forfeited to the United States shall be
18 held in trust by the Secretary of Commerce on behalf of
19 the public and disposed of in a manner consistent with
20 the purposes of this Act. Forfeited R.M.S. Titanic prop-
21 erty that does not constitute a collection may not be sold,
22 but may be assimilated with an existing collection.

23 “(g) CIVIL FORFEITURES.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), the provisions of chapter 46 of title 18,

1 United States Code, relating to civil forfeitures shall
2 extend to any seizure or administrative or civil judi-
3 cial forfeiture under this section to the extent that
4 such provisions are not inconsistent with this Act.

5 “(2) PERFORMANCE OF DUTIES.—Any duties
6 imposed upon the Attorney General, the Secretary of
7 the Treasury, or the Postmaster General shall be
8 performed with respect to seizures and forfeitures of
9 property under this section by such officers, agents,
10 or other persons as may be authorized or designated
11 for that purpose by the Secretary of Commerce or
12 the Secretary of Homeland Security, as appropriate.

13 “(h) CRIMINAL FORFEITURES.—

14 “(1) IN GENERAL.—Any person who is con-
15 victed of an offense under section 10 shall forfeit
16 property to the United States pursuant to this sec-
17 tion, as authorized by section 2461(c) of title 28,
18 United States Code.

19 “(2) PROCEDURES.—The procedures under sec-
20 tion 413 of the Controlled Substances Act (21
21 U.S.C. 853) (except subsection (d) of such section),
22 insofar as such provisions are not inconsistent with
23 this Act, shall apply to—

1 “(A) all stages of a criminal forfeiture of
 2 property under this section, including any sei-
 3 zure and disposition of such property; and

4 “(B) any administrative or judicial pro-
 5 ceeding in relation to such forfeiture.

6 **“SEC. 12. DISPOSITION OF MONIES RECOVERED.**

7 “(a) IN GENERAL.—Notwithstanding any other pro-
 8 vision of law, any monies collected under sections 8, 9,
 9 10, and 11, either directly or through the sale of forfeited
 10 property, after payment of related expenses—

11 “(1) are authorized to be paid into 1 or more
 12 special accounts of the Department of the Treasury;
 13 and

14 “(2) shall be used by the Secretary of Com-
 15 merce for—

16 “(A) conservation of Titanic artifacts re-
 17 covered pursuant to an enforcement action;

18 “(B) conservation of any Titanic collection
 19 of lawfully salvaged artifacts; or

20 “(C) the collection of the USS Monitor
 21 National Marine Sanctuary artifacts at The
 22 Mariners’ Museum.

23 “(b) DISPOSITION OF EXCESS FUNDS.—If the pro-
 24 ceeds from an enforcement action exceed the amount of
 25 funds needed for the conservation of artifacts from that

1 case, the Titanic collection, and the Monitor collection,
2 such excess amount shall be deposited in the General
3 Fund of the Treasury.

4 **“SEC. 13. INTERNATIONAL COOPERATION.**

5 “(a) SECRETARY OF COMMERCE.—In cooperation
6 with the Secretary of State, the Secretary of Commerce
7 is authorized to inform and consult with representatives
8 of foreign nations and others regarding the protection and
9 preservation of R.M.S. Titanic property, including the
10 issuance of permits pursuant to section 7.

11 “(b) SECRETARY OF STATE.—In the event that a
12 party to the International Agreement issues a permit, pur-
13 suant to its laws, allowing for the recovery of R.M.S. Ti-
14 tanic property, the Secretary of State may consult with
15 that party to request that existing salvor-in-possession
16 rights to R.M.S. Titanic are respected and that there is
17 consideration of assimilating any R.M.S. Titanic property
18 recovered to an existing collection.

19 **“SEC. 14. AGREEMENTS AND AUTHORITY TO UTILIZE**
20 **GRANT FUNDS.**

21 “(a) AGREEMENTS.—The Secretary of Commerce
22 may, as appropriate, enter into agreements with any per-
23 son to use the personnel, services, equipment, or facilities
24 of such person, on a reimbursable or nonreimbursable
25 basis, to assist in carrying out the purposes of this Act.

1 “(b) AUTHORITY TO UTILIZE GRANT FUNDS.—The
2 Secretary of Commerce—

3 “(1) except as provided in paragraph (2), and
4 notwithstanding any other provision of law that pro-
5 hibits a Federal agency from receiving assistance,
6 may apply for, accept, and obligate research grant
7 funding from any Federal source operating competi-
8 tive grant programs if such funding furthers the
9 purposes of this Act;

10 “(2) may not apply for, accept, or obligate any
11 grant funding under paragraph (1) if—

12 “(A) the granting agency is not authorized
13 to award grants to Federal agencies; or

14 “(B) the grant will be used for any pur-
15 poses, or will be subject to any conditions, that
16 are prohibited by law or regulation;

17 “(3) may use amounts appropriated for the
18 purpose of this Act to satisfy a requirement to
19 match grant funds with recipient agency funds, ex-
20 cept that no grant may be accepted that requires a
21 commitment before such amounts are appropriated;
22 and

23 “(4) shall deposit grant funds in the National
24 Oceanic and Atmospheric Administration account

1 that serves to accomplish the purpose for which the
2 grant was awarded.

3 **“SEC. 15. MONITORING AUTHORIZATION.**

4 “In order to carry out the purposes of this Act, the
5 Secretary of Commerce may—

6 “(1) monitor the wreck site of R.M.S. Titanic;
7 and

8 “(2) conduct such monitoring in coordination
9 with the personnel, services, and facilities of other
10 Federal departments, agencies, or instrumentalities
11 on a reimbursable or nonreimbursable basis.

12 **“SEC. 16. RULEMAKING.**

13 “The Secretary of Commerce is authorized to promul-
14 gate regulations to implement this Act, including, as nec-
15 essary, regulations providing for the issuance of permits
16 under section 7. Such regulations shall be consistent with
17 the International Agreement and Rules.

18 **“SEC. 17. RELATIONSHIP TO OTHER LAWS.**

19 “(a) LIABILITY.—Nothing in sections 4281 through
20 4289 of the Revised Statutes of the United States or sec-
21 tion 3 of the Act of February 13, 1893, shall limit the
22 liability of any person under this Act.

23 “(b) SEIZURE AND FORFEITURE OF PROPERTY.—
24 Nothing in this Act may be construed to affect the seizure
25 and forfeiture of property, including R.M.S. Titanic prop-

erty, under the customs laws of the United States, or the
issuance of penalties under such laws.

“(c) INTERNATIONAL AGREEMENTS.—This Act and
any implementing regulations shall be applied in accord-
ance with applicable law, including treaties, conventions,
and other international agreements to which the United
States is a party.

“(d) FREEDOMS OF THE HIGH SEAS.—Except to the
extent that an activity is undertaken as a subterfuge for
activities prohibited under this Act, nothing in this Act
is intended to affect the exercise of traditional freedoms
of the high seas, including—

“(1) navigation;

“(2) the laying of submarine cables and pipe-
lines;

“(3) operation of vessels;

“(4) fishing; or

“(5) other internationally lawful uses of the sea
related to such freedoms.

“(e) SEVERABILITY.—Each provision of this Act is
severable. If a court of competent jurisdiction should find
any provision of this Act to be unenforceable, all other
provisions shall remain in full force and effect.

“(f) SALVAGE RIGHTS.—

1 “(1) COMPLIANCE WITH THIS ACT.—An order
 2 granting salvage rights to R.M.S. Titanic by a court
 3 of competent jurisdiction prior to the effective date
 4 of this Act shall not exempt any person from com-
 5 plying with this Act or any regulation or permit
 6 issued under this Act.

7 “(2) PERMIT ISSUANCE.—If a person with ex-
 8 clusive salvage rights to the R.M.S. Titanic seeks a
 9 permit issued under section 7 of this Act, such a
 10 permit shall not be unreasonably withheld.

11 “(3) LIMITATION ON OBTAINING SALVAGE
 12 RIGHTS.—Without prejudice to the orders of a
 13 United States Court of competent jurisdiction,
 14 issued in reference to the entity known as ‘RMS Ti-
 15 tanic, Inc.’, prior to the effective date of this legisla-
 16 tion (the status of such orders to be unaffected by
 17 this legislation), no person may obtain salvage rights
 18 to R.M.S. Titanic or R.M.S. Titanic property, after
 19 the effective date of this Act, except by an assign-
 20 ment or transfer of existing rights or through the
 21 orders of a United States Court of competent juris-
 22 diction issued in reference to the entity known as
 23 ‘RMS Titanic, Inc.’.

24 “(g) LAW OF FINDS.—The law of finds shall not
 25 apply to R.M.S. Titanic or R.M.S. Titanic property.

1 “(h) COLLECTION MANAGEMENT.—Each collection
2 shall be managed and maintained in accordance with the
3 Rules.

4 **“SEC. 18. VALID EXCLUSIVE RIGHT TO SALVAGE R.M.S. TI-**
5 **TANIC.**

6 “(a) CONSTRUCTION.—Nothing in this Act shall be
7 construed as terminating, or granting to the Secretary of
8 Commerce the right to terminate, any valid exclusive right
9 to salvage the R.M.S. Titanic that is in existence on the
10 date of enactment.

11 “(b) REGULATION BY SECRETARY OF COMMERCE.—
12 The exercise of the exclusive right to salvage R.M.S. Ti-
13 tanic is subject to regulation by the Secretary of Com-
14 merce consistent with the provisions of this Act.

15 **“SEC. 19. TITANIC ADVISORY COUNCIL; SITE MANAGEMENT**
16 **PLAN.**

17 “(a) AUTHORITY TO ESTABLISH.—The Secretary of
18 Commerce is authorized to establish the Titanic Advisory
19 Council.

20 “(b) EXEMPTION FROM FACA.—The Titanic Advi-
21 sory Council shall be exempt from the Federal Advisory
22 Committee Act (5 U.S.C. App.).

23 “(c) MEMBERSHIP.—The membership of the Titanic
24 Advisory Council shall consist of—

1 “(1) a member designated by the Administrator
2 of the National Oceanic and Atmospheric Adminis-
3 tration;

4 “(2) a member designated by the Director of
5 the National Park Service;

6 “(3) a member designated by the Secretary of
7 State;

8 “(4)(A) a member from the Woods Hole Ocean-
9 ographic Institution designated by the head of the
10 Institution; or

11 “(B) in the event that the head of such Institu-
12 tion is unable or declines to make a designation
13 under subparagraph (A), a member of another lead-
14 ing marine research institution that is selected by
15 the Secretary of Commerce from a list recommended
16 by the Titanic Advisory Council;

17 “(5) a member designated by the current sal-
18 vor-in-possession of the R.M.S. Titanic, or any suc-
19 cessor, as determined pursuant to section 17(h);

20 “(6) a member designated by any United States
21 person that holds a collection; and

22 “(7) 2 members of the public who—

23 “(A) have expertise in nautical archaeology
24 or underwater cultural heritage;

1 “(B) are appointed by the Secretary of
 2 Commerce from a list of recommended can-
 3 didates prepared by the other members of the
 4 Titanic Advisory Council, with at least 5 mem-
 5 bers concurring in the recommendation; and

6 “(C) may be a person from a foreign gov-
 7 ernment, institution, or corporation.

8 “(d) CONDUCT OF BUSINESS.—

9 “(1) QUORUM.—The Titanic Advisory Council
 10 may meet and conduct business if there is a quorum
 11 of at least 5 members.

12 “(2) PRIOR TO APPOINTMENT.—The Titanic
 13 Advisory Council may meet and conduct business
 14 prior to the appointment of the members described
 15 in subsection (c)(7).

16 “(e) PROHIBITION ON COMPENSATION.—A member
 17 of the Titanic Advisory Council who is not employed by
 18 the Federal Government may not—

19 “(1) receive pay by reason of the member’s
 20 service on the Titanic Advisory Council; and

21 “(2) be considered an employee of the Federal
 22 Government by reason of any service to the Titanic
 23 Advisory Council.

1 “(f) DUTIES.—The Titanic Advisory Council shall
 2 advise and make recommendations to the Secretary of
 3 Commerce regarding—

4 “(1) the protection and preservation of R.M.S.
 5 Titanic property and conservation and curation of
 6 artifacts recovered from the R.M.S. Titanic in a
 7 manner consistent with this Act, the International
 8 Agreement, and the promotion of knowledge of and
 9 education about the R.M.S. Titanic; and

10 “(2) the site management plan required by
 11 paragraph (1) of subsection (g), including periodic
 12 evaluations of such plan as described in paragraph
 13 (3) of such subsection.

14 “(g) SITE MANAGEMENT PLAN.—

15 “(1) REQUIREMENT FOR PLAN.—Not later than
 16 2 years after the date the Titanic Advisory Council
 17 provides the Secretary of Commerce recommenda-
 18 tions under subsection (f)(2), the Secretary shall
 19 prepare a long-term site management plan for
 20 R.M.S. Titanic that—

21 “(A) includes an archaeological plan, that
 22 ensures best practices are observed in the pro-
 23 tection and preservation of the wreck site and
 24 artifacts recovered from the R.M.S. Titanic, in

1 a manner consistent with the International
2 Agreement and the Rules; and

3 “(B) is based on information and data
4 gathered from previous expeditions to the site,
5 previous experience with handling R.M.S. Ti-
6 tanic artifacts as well as other relevant informa-
7 tion, and data and experience from other wreck
8 sites.

9 “(2) PUBLIC AVAILABILITY.—The site manage-
10 ment plan prepared under paragraph (1) shall be
11 made available to the public for notice and comment
12 prior to its adoption by the Secretary of Commerce.

13 “(3) PERIODIC EVALUATIONS AND AMEND-
14 MENT.—The Titanic Advisory Council shall periodi-
15 cally evaluate and provide advice and recommenda-
16 tions to the Secretary of Commerce for the amend-
17 ment of the site management plan prepared under
18 paragraph (1) and the Secretary of Commerce may
19 amend such plan as necessary and appropriate.

20 **“SEC. 20. STATUTE OF LIMITATIONS.**

21 “No civil action may be brought, and no criminal
22 prosecution may be commenced, by the United States to
23 enforce this Act, or any regulation or permit issued under
24 this Act, after the date that is 8 years after the date on
25 which—

1 “(1) all facts material to the right of action or
2 offense are known by the Secretary of Commerce;
3 and

4 “(2) jurisdiction can be exercised over the de-
5 fendant.”.

6 **SEC. 5. EFFECTIVE DATE.**

7 The amendments made by this Act shall take effect
8 on the date of the enactment of this Act.

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